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INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

SEPTEMBER INTENSIVE COURSE

Distinguished Visiting Professor Stephen J. Toope

**Faculty of Law
University of Toronto**

2003

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FACULTY OF LAW
UNIVERSITY OF TORONTO

RESEARCH SEMINAR
INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

Stephen J. Toope
Distinguished Visiting Professor
WINTER TERM 2001-2002

The interplay between international law and international relations (IR) theory is a subject of increasing interest in both disciplines. This seminar will explore that relationship, looking at various schools of IR theory including realism, liberalism, neo-liberal institutionalism and constructivism, and their understandings of the role of law in international society. Selected topics in international law, drawn from the fields of the use of force, state responsibility, environmental law and human rights, will be explored from an interdisciplinary perspective. The seminar will conclude with discussions of the role that law may play in “persuading” international actors to behave in certain ways, and the issues raised for both law and IR theory by global cultural diversity.

[The collected materials contain some articles for your information and further research; for the purposes of class discussion, read only those articles marked with an asterisk].

Day One (22 January 2002)

- *Law and Politics: merging preoccupations*

*- Anne-Marie Slaughter, Andrew S. Tulumello and Stepan Wood, "International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship" (1998) 92 AJIL 367.

*- Kenneth Abbott, *et al.*, "The Concept of Legalization" (2000) 54:3 IO 401.

*- Martha Finnemore and Stephen Toope, "Alternatives to 'legalization': richer views of law and politics" (2001) 55 IO 743.

- Stephen J. Toope, "Emerging Patterns of Governance and International Law" in Michael Byers, ed., *The Role of Law in International Politics* (2000) 91.

Day Two (23 January 2002)

- *The Traditions of IR Theory*

*- Peter J. Katzenstein, Robert O. Keohane & Stephen D. Krasner, "International Organization and the Study of World Politics" (1998) 52 I.O. 645.

*- Martti Koskenniemi, "Carl Schmitt, Hans Morgenthau, and the Image of Law in International Relations" in Michael Byers, ed., *The Role of Law in International Politics* (2000) 45.

*- Anne-Marie Slaughter, "A Liberal Theory of International Law" (Manuscript, April 2000). [With permission; not for citation or attribution except for the purposes of this class].

Day Three (24 January 2002)

- Rationalism and the Role of Law

*- Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (1959), Chapters 18 and 19.

*- Robert O. Keohane, "International Relations and International Law: Two Optics" (1997) 38 Harv. Int'l L. J. 487.

- Lisa L. Martin & Beth Simmons, "Theories and Empirical Studies of International Institutions" (1998) 52 IO 729.

*- John Gerard Ruggie, "What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge" (1998) 52 I.O. 855

Day Four (25 January 2002)

- Constructivism and the Role of Law

*- Alexander Wendt, "Collective Identity Formation and the International State" (1994) 88:2 Am Pol. Sci Rev. 384

- Timothy Dunne, "The Social Construction of International Society" (1995) 1 Eur. J. Int'l Relations 367

*- Martha Finnemore & Kathryn Sikkink, "International Norm Dynamics and Political Change" (1998) 52 I.O. 887.

- Jeffrey T. Checkel, "Why Comply? Constructivism, Social Norms and the Study of International Institutions" (1999) ARENA Working Papers 99/24, at <www.sv.uio.no/arena/publications/wp99_24.htm>.

Day Five (29 January 2002)

-Constructivism and the Role of Law (Cont'd)

*- Nicholas Greenwood Onuf, "Do rules say what they do? From ordinary language to international law" (1985) 26 Harv. Int'l L.J. 385

*- Friedrich V. Kratochwil, "How Do Norms Matter?" in Michael Byers, ed., *The Role of Law in International Politics* (2000) 35.

Day Six (30 January 2002)

-International Legal Theory and IR

*- Myres S. McDougal and W. Michael Reisman, “International Law in Policy-Oriented Perspective” in R. St J. Macdonald and Douglas M. Johnston, *The Structure and Process of International Law: Essays in Legal Philosophy, Doctrine and Theory* (1983) 103.

- Thomas M. Franck, *The Power of Legitimacy Among Nations* (1990), Chapters 1-4.

*- Philip Allott, “The Concept of International Law” in Michael Byers, ed., *The Role of Law in International Politics* (2000) 69.

Day Seven (31 January 2002)

- International Legal Theory and IR (Cont'd)

*- Jutta Brunnée and Stephen J. Toope, “International Law and Constructivism: Elements of an Interactional Theory of International Law” (2000) 39 Col. J. Transnational L. 19.

*- Benedict Kingsbury, "The Concept of Compliance as a Function of Competing Conceptions of International Law" (1998) 19 Michigan Journal of International Law 345.

Day Eight (1 February 2002)

- Persuasion in a World of Diversity

*- Thomas Risse, “‘Let’s Argue!’ Communicative Action in World Politics” (2000) 54 IO 1.

- Anne-Marie Slaughter, “The Real New World Order” [1997] Foreign Affairs 183 (Sept./Oct.).

*-Vaughan Lowe, “The Politics of Law-Making: Are the Method and Character of Norm Creation Changing?” in Michael Byers, ed., *The Role of Law in International Politics* (2000) 207.

